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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,787	04/21/2004	Anthony D'Agostino	1744	5077
23623	7590	12/21/2005	EXAMINER	
AMIN & TUROCY, LLP 1900 EAST 9TH STREET, NATIONAL CITY CENTER 24TH FLOOR, CLEVELAND, OH 44114			MILLER, BRANDON J	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/828,787	Applicant(s) D'AGOSTINO ET AL.	
	Examiner Brandon J. Miller	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 11-12, 14-21, and 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Fan.

Regarding claim 1 Fan teaches a power management system for a wireless mobile terminal (see paragraphs [0028] & [0046]). Fan teaches a configuration bank that stores power management schemes (see paragraphs [0038] & [0040]). Fan teaches a power management component that utilizes at least one power management scheme to selectively control power to one or more portions of the wireless terminal (see paragraph [0046]).

Regarding claim 2 Fan teaches the at least one power management scheme maintains power to a CPU and a network radio of the wireless mobile terminal to ensure reliable network communication while removing power from other portions of the wireless mobile terminal to reduce power consumption (see paragraphs [0028] & [0058]).

Regarding claim 3 Fan teaches the power management component is activated to remove power via one of: a time lapse; a period of inactivity; an interrupt; an event; a user request; a programmatic application program interface (API); network data; an application, the wireless mobile terminal, and another wireless mobile terminal (see paragraph 0048)).

Regarding claim 4 Fan teaches the power management component is activated to resume power via one of: pressing a button; turning a key; touching an active touch screen area; a programmatic control; voice; expiration of a timeout; a date; an electrical current; a request; a signal; motion; a trigger; a link status change; a network keep alive; a proxy-ARP packet; a re-authentication packet; a directed packet; wake-on-LAN request; and reception of network data (see paragraphs [0052] & [0053]).

Regarding claim 5 Fan teaches the power management component executes as a background application (see paragraph [0054]).

Regarding claim 6 Fan teaches the power management component automatically executes the power management scheme to reduce power consumption or waits for user confirmation (see paragraph [0054]).

Regarding claim 7 Fan teaches the power management component executes in one of wireless mobile terminal BIOS, an application, an external device, and a wireless mobile terminal operating system (see paragraphs [0038] & [0040]).

Regarding claim 8 Fan teaches the power management component utilizes one of intermittent and continuous polling of the wireless mobile terminal to automatically determine when power should be reduced and dynamically applies the power management scheme to reduce power (see paragraph [0048]).

Regarding claim 9 Fan teaches the power management scheme is based on at least one of a wireless mobile terminal characteristic, a state of one or more portions of the wireless mobile terminal, a user identified configuration, and a user attribute (see paragraph [0043]).

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Regarding claim 11 Fan teaches the power management scheme is one of a default, a user defined, an application generated and an intelligence created configuration (see paragraph [0043]).

Regarding claim 12 Fan teaches the intelligence created configuration is generated based on at least one of machine learning, a statistic, a probability, an inferences and/or a classifier (see paragraph [0044]).

Regarding claim 14 Fan teaches a method that manages power for a portable terminal (see paragraphs [0028] & [0046]). Fan teaches receiving indicia indicating power should be removed from a portion of the portable terminal (see paragraphs [0043] & [0046]). Fan teaches removing power from the portion of the portable terminal to reduce battery power consumption (see paragraph [0046]). Fan teaches maintaining portable terminal network connectivity (see abstract and paragraph [0028]).

Regarding claim 15 Fan teaches obtaining a power management configuration that defines a power removal scheme (see paragraph [0046]).

Regarding claim 16 Fan teaches a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 17 Fan teaches the power management component is activated to remove power via one of: a time lapse; a period of inactivity; an interrupt; an event; a user request; a programmatic application program interface (API); network data; an application, the wireless mobile terminal, and another wireless mobile terminal; pressing a button; turning a key; touching an active touch screen area; a programmatic control; voice; expiration of a timeout; a date; an electrical current; a request; a signal; motion; a trigger; a link status change; a network

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keep alive; a proxy-ARP packet; a re-authentication packet; a directed packet; wake-on-LAN request; and reception of network data (see paragraphs [0048], [0052] & [0053]).

Regarding claim 18 Fan teaches a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 19 Fan teaches a power management method that facilitate distribution of power to portions of a wireless computing device (see paragraphs [0028] & [0046]). Fan teaches detecting that power should be removed from at least a portion of the wireless computing device (see paragraphs [0043] & [0046]). Fan teaches retrieving an associated power management scheme; and employing the power management scheme to remove power from the portion of the wireless computing device while sustaining power to the wireless computing device's CPU and network radio (see paragraphs [0028], [0043], [0046]).

Regarding claim 20 Fan teaches a device as recited in claim 8 and is rejected given the same reasoning as above.

Regarding claim 21 Fan teaches dynamically adjusting the power applied to the at least one portion of the wireless computing device (see paragraph [0046]).

Regarding claim 23 Fan teaches a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 24 Fan teaches employing intelligence to facilitate managing the power applied to the at least one portion of the wireless computing device (see paragraph [0043]).

Regarding claim 25 Fan teaches a device as recited in claim 12 and is rejected given the same reasoning as above.

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Regarding claim 26 Fan teaches a system that facilitates terminal power management (see paragraphs [0028] & [0046]). Fan teaches means for determining when to activate power management; and means for acquiring a selective power management configuration (see paragraphs [0040] & [0043]). Fan teaches means for applying the power management configuration to selectively lower power applied to portions of the terminal to mitigate power consumption while maintain desired functionality (see paragraphs [0028], [0043], [0046]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 13, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan in view of Yamada.

Regarding claim 10 Fan teaches a device as recited in claim 1 except for the power management scheme extends battery life by reducing the power applied to the wireless mobile terminal. Fan does teach reducing power consumption in a wireless mobile terminal (see paragraph [0028] & [0038]). Yamada teaches extending the battery life by reducing the power applied to a portable terminal (see paragraph [0061]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include the power management scheme extends battery life by reducing the power applied to the wireless mobile terminal because this would allow for an improved power-saving-mode switching method for reducing power consumption of a mobile device.

Regarding claim 13 Fan teaches a device as recited in claim 1 except for an API that is utilized for at least one of invoking the power management component and providing a power management scheme. Yamada teaches an API that is utilized for at least one of invoking the power management component and providing a power management scheme (see paragraph [0048]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include an API that is utilized for at least one of invoking the power management component and providing a power management scheme because an API can be used to provide a basis for determining power management and it would allow for an improved power-saving-mode switching method for reducing mobile device power consumption.

Regarding claim 22 Fan teaches a device as recited in claim 19 except for drawing less power from a battery utilized to power the wireless computing device. Fan does teach reducing power consumption in a wireless mobile terminal (see paragraph [0028] & [0038]). Yamada teaches drawing less power from a battery utilized to power a portable terminal (see paragraph [0061]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include drawing less power from a battery utilized to power the wireless computing device because this would allow for an improved power-saving-mode switching method for reducing power consumption of a mobile device.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tourrilhes et al. Pub. No.: US 2003/0050103 A1 discloses a power management scheme for a communication interface of a wireless device.

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Peng et al. Pub. No.: US 2004/0082362 A1 discloses a method for power management of a smart phone.

Lencevicius et al. Pub. No.: US 2004/0204183 A1 discloses a power management profile on a mobile device.

Carballo et al. Pub. No.: US 2004/0203477 A1 discloses an interface transceiver power management method and apparatus including controlled circuit complexity and power supply voltage.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



December 16, 2005



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